

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
Hon. Douglas P. Miller, Chair
Uniform Rules Subcommittee, Hon. Elaine M. Watters, Chair
Patrick O'Donnell, Committee Counsel, 415-865-7665,
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DATE: October 16, 2002

SUBJECT: Civil Harassment and Workplace Violence (revise forms CH-120,
CH-130, CH-131, CH-140, WV-120, WV-140 and WV-150)
(Action Required)

Issue Statement

Last year, the Judicial Council's forms for petitions and responses for use in civil harassment proceedings were reviewed and technical revisions were made effective July 1, 2001. However, the orders for use in civil harassment and workplace violence proceedings still need to be revised to include statutorily required notices. The proofs of service for the civil harassment forms should also be revised.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2003 revise:

1. *Order to Show Cause and Temporary Restraining Order (Harassment)* (form CH-120);
2. *Order After Hearing on Petition for Injunction Prohibiting Harassment* (form CH-140);
3. *Order to Show Cause and Temporary Restraining Order (Workplace Violence)* (form WV-120);
4. *Order After Hearing on Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence)* (form WV-140);
5. *Instructions for Petitions to Prohibit Workplace Violence* (form WV-150);

6. *Proof of Personal Service (Harassment)* (form CH-130); and
7. *Proof of Service by Mail (Harassment)* (form CH-131).

The forms are attached at pages 6–30.

Rationale for Recommendation

Several Judicial Council forms for use in connection with petitions to prevent civil harassment and workplace violence need to be revised to include statutorily required notices, to conform to statutory provisions, and to be clearer and easier to use.

Forms CH-120, CH-140, WV-120, and WV-140

The *Order to Show Cause and Temporary Restraining Order (Harassment)* (form CH-120) needs to be revised because it improperly states (in current item 8b) that certain listed documents must be “personally served on defendant within five days from the date that the TRO is issued, or two days before the hearing, whichever is earlier.” This sentence should be deleted because Code of Civil Procedure section 527.6(g) requires service at least five days before the hearing. In revised form CH-120, item 9, the incorrect statement regarding service has been omitted.¹

The “Notice Regarding Firearms” on form CH-120 needs to be revised to state that any person subject to a restraining order is prohibited from “owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm.” The underlined words need to be added because Penal Code section 12021(g)(3) requires the Judicial Council to produce forms that provide notice that persons subject to restraining orders are prohibited from “owning, possessing, purchasing, or receiving a firearm. . . .” Current form CH-120 does not include “owning” or “possessing.” In addition, the form needs to be revised to include the expiration date for the relinquishment of firearms. This provision is added as new item 7 on page 7 below.

Finally, on form CH-120, a new subpart 5b(6) should be added to include “protected persons’ vehicles” on the list of specific places that the restrained person must stay away from. Judicial officers indicate that this item is frequently included on the orders that they issue and should be a standard item on the form. This revision is made to the revised form on page 7 below.

Similar firearms notices and relinquishment requirements, and provisions regarding protected persons’ vehicles, should be added to *Order After Hearing on Petition for Injunction Prohibiting Harassment* (form CH-140), *Order to Show Cause and Temporary Restraining Order (Workplace Violence)* (form WV-120), and *Order After Hearing on Petition of Employer for Injunction Prohibiting Violence or*

¹ *Instructions for Lawsuits to Prohibit Harassment* (form CH-150) was revised effective July 1, 2001, to provide the correct information about the time for service.

Threats of Violence Against Employee (Workplace Violence) (form WV-140). The reasons for including the additional notices and other items on these forms are the same as for form CH-120.

Form WV-150

Form WV-150 provides instructions in how to complete petitions to prohibit workplace violence. It includes instructions for filling in the *Order to Show Cause and Temporary Restraining Order (Workplace Violence)* (form WV-120). Because form WV-120 has been revised, the instructions need to be revised to incorporate and refer to revised form WV-120.¹

Forms CH-130 and CH-131

The *Proof of Personal Service (Harassment)* (form CH-130) and *Proof of Service by Mail (Harassment)* (form CH-131), for use with civil harassment petitions and responses, should be revised. Form CH-130 should include the *Instructions for Lawsuits to Prohibit Harassment* (form CH-150) in the list of items served. The *Instructions* are included as item 1d on the revised form at page 18 below. The two proofs of service forms should be located on separate pages instead of on the reverse sides of a single page.

Comments From Interested Parties

A total of 13 comments were received on the revised forms. The commentators included judicial officers, court executive officers, court researchers, a private attorney, legal service providers, a manager at the California Department of Justice, and a technician with the San Francisco Police Department. Four commentators supported the revisions without specific comments. The remainder supported the revisions, but suggested modifications.

A chart summarizing the comments and the committee's responses is attached at pages 31-39. The specific comments and suggestions are discussed below.

Form CH-120

Item 5: A commentator remarked that item 5a prescribes certain acts, but does not indicate to whom he or she is not to do them. He suggested revising item 5a to include boxes to indicate that the provisions applied to one or both of two options—"plaintiff" and "other protected persons." The committee agreed and modified the item to provide a means to indicate whether conduct is restrained against "the person seeking the order" or "the other protected persons listed in item 4c."

Another commentator suggested that in item 5b, if subpart (6) is added for vehicles, the word "specify" should be added to eliminate any confusion about the vehicle.

¹ Form WV-150 was not circulated for comment. Because the revisions to form WV-150 are purely technical, the form does not need to be circulated.

The committee did not agree because requiring specification may pose an unnecessary burden on petitioners.

Item 7: Two commentators inquired why the time for relinquishment of firearms is different than in the Domestic Violence forms. The answer is that Family Code section 6389(c) prescribes relinquishment 48 hours after service of the order, whereas the civil harassment statute does not. Hence, the courts may prescribe a different time for the relinquishment of firearms in civil harassment proceedings. The committee thought that it is not necessary or desirable to prescribe a longer period for relinquishment after service; hence, it recommends providing the same 24-hour period both after issuance (if the restrained person is present at the hearing) and after service of the order (if the restrained person is not present). A commentator remarked: “We are especially pleased to see [item 7] requires the surrender of a firearm within 24 hours of the service of the order.”

Item 8: A commentator questioned whether it is necessary to list the agencies to which the restraining order must be delivered. The provision is helpful in enforcing the order.

Item 9: A commentator stated that the language in current item 8 (that would be item 9 on the revised form) is confusing for persons serving the TRO and suggested deleting the words “within five days from the date the TRO is issued” because the statute only says it must be served at least five days before the hearing. The committee agreed and deleted the phrase.

Notice Regarding Firearms:

A commentator suggested adding to the Notice a reference to Penal Code section 12021(g). The notice contains the statutory language. The committee did not think an express reference to the statute is necessary.

Form CH-140

A commentator suggested adding a statement after the expiration date that says: “If no date is present, this order expires three years from the date of issuance.” The committee agreed with this suggestion, and has included this statement on the revised form at page 9 below. Several of the comments about form CH-120 described above also applied to CH-140, and the committee had similar responses.

Form WV-120:

Item 7: A commentator suggested stating “Employee and other protected persons named in item 5c” instead of “Employee and other protected persons (*names*):” The committee agreed that a cross-reference to item 5 is preferable to requiring that the names be repeated, and has made this revision on page 13 below.

Item 8: A commentator proposed revising this item to state as follows: “. . . unless a PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS) (form CR-160)

prohibits such contacts.” The committee did not agree; it felt the existing language is clearer and more accurate.

Form WV-140:

A commentator suggested adding language after the expiration date that says, “If no date is present, this order expires three years from the date of issuance.” The committee agreed and added this language to the form, at page 15 below.

Item 7: A commentator proposed adding “Employee and other protected persons.” The committee agreed and also added “named in item 5” at the end of the sentence in item 7a(1) on page 16 below

Forms CH-130 and CH-131

A commentator suggested adding the form numbers after the names of each form listed in the proofs of service. The committee did not think that this is necessary. The commentator also suggested adding additional notices in anticipation of the enactment of Senate Bill 1627. The committee thought this was premature.

On form CH-131, another commentator suggested adding a box to item 1 for “Declarations of Witnesses.” The committee did not think that this is necessary. Additional documents served may be listed under item 1b (“other (*specify:* ”). The commentator also recommended adding a statement to the proofs of service that “petitioners and respondents cannot serve each other.” The committee reviewed the present language on the forms and concluded that it is quite clear that the parties cannot serve the papers.

Implementation Requirements and Costs

The revised orders, proofs of service, and instructions should not require any additional implementation. There may be minor costs to the courts in making the revised forms available to the public. But by more clearly stating the law, revised forms should facilitate and improve the handling of petitions to prevent civil harassment and workplace violence.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): ADDRESS WHERE YOU WANT MAIL SENT: TELEPHONE NO. (<i>Optional</i>): E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<input type="checkbox"/> ORDER TO SHOW CAUSE (Harassment) and Temporary Restraining Order (CLETS)	CASE NUMBER:

THIS ORDER SHALL EXPIRE AT THE DATE AND TIME OF THE HEARING SHOWN IN THE BOX BELOW UNLESS EXTENDED BY THE COURT.

1. To defendant (*name*):
2. A court hearing has been set at the time and place indicated below:

Date:	Time:	Dept.:	Room:
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3. ***You have the right to attend the court hearing, with or without an attorney, to give any legal reason why the orders requested in the attached petition should not be granted. NOTICE: If you do not attend the hearing, the court may grant the requested orders without further notice to you. Restraining Orders may last up to three (3) years.***

TEMPORARY RESTRAINING ORDER

THE COURT FINDS

4. a. The defendant is (*name*):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Ht.: ____	Wt.: ____	Hair color: ____	Eye color: ____	Race: ____	Age: ____	Date of birth: ____
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- b. The protected person is (*name*):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Date of birth: ____
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- c. Protected family or household members who reside with the protected person:

(1) (**Name**):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Date of birth: ____
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(2) (**Name**):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Date of birth: ____
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(3) (**Name**):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Date of birth: ____
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☐ Continued on Attachment 4c.

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

UNTIL THE TIME OF HEARING, IT IS ORDERED

5. The restrained person

- a. ☐ **shall not** contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements in public places or thoroughfares of ☐ the person seeking the order ☐ the other protected persons listed in item 4c.
- b. ☐ **shall** stay at least (*specify*): _____ **yards** away from the following protected persons and places:
(The addresses of these places are optional and you do not have to provide them.)
- (1) ☐ Person seeking the order
 - (2) ☐ The other persons listed in item 4c
 - (3) ☐ Residence of person seeking the order
 - (4) ☐ Place of work of person seeking the order
 - (5) ☐ The children's school or place of child care
 - (6) ☐ The protected persons' vehicles
 - (7) ☐ Other (*specify*):

6. ☐ OTHER ORDERS (*specify*):

7. **MANDATORY FIREARM RELINQUISHMENT**

The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within

- a. ☐ 24 hours after issuance of this order (if restrained person is present at hearing).
- b. ☐ 24 hours after service of this order (if restrained person is not present at hearing).
- c. ☐ other (*specify*):

The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.

8. By the close of business on the date of this order, a copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:

- a. ☐ plaintiff shall deliver.
- b. ☐ plaintiff's attorney shall deliver.
- c. ☐ the clerk of the court shall deliver.

Law enforcement agency

Address

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

9. a. ☐ Application for an order shortening time is granted and the documents listed in b shall be personally served on the defendant no fewer than (specify number): _____ days before the time set for hearing.
- b. ☐ The following documents shall be personally served on defendant:
- (1) *Order to Show Cause and Temporary Restraining Order (Harassment)* (form CH-120)
 - (2) *Petition for Injunction Prohibiting Harassment* (form CH-100)
 - (3) *Blank Response to Petition for Injunction Prohibiting Harassment* (form CH-110)
 - (4) *Instructions for Lawsuits to Prohibit Harassment* (form CH-150)
 - (5) Other (specify):
10. ☐ Filing fees for the filing of this action are duly waived.

Date: _____

JUDICIAL OFFICER

This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment.

[SEAL]

CLERK'S CERTIFICATE

I certify that the foregoing *Order to Show Cause and Temporary Restraining Order (CLETS)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

NAME OF PARTY OR ATTORNEY (and state bar number if attorney): ADDRESS WHERE YOU WANT MAIL SENT: TELEPHONE NUMBER (Optional): FAX NUMBER (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
PROOF OF PERSONAL SERVICE (Harassment)	
CASE NUMBER:	

PERSONAL SERVICE

Instructions: After having the other party served with any of the documents identified in item 1, have the person who served the documents complete this Proof of Personal Service. Give the completed Proof of Personal Service to the clerk for filing. Neither the plaintiff nor the defendant can serve these papers.

1. I served a copy of the following documents (check the box before the title of each document you served):

- a. ☐ Order to Show Cause (Harassment)
☐ and Temporary Restraining Order (CLETS)
- b. ☐ Petition for Injunction Prohibiting Harassment
☐ Application for Temporary Restraining Order
- c. ☐ blank Response to Petition for Injunction Prohibiting Harassment
- d. ☐ Instructions for Lawsuits to Prohibit Harassment
- e. ☐ Order After Hearing on Petition for Injunction Prohibiting Harassment (CLETS)
- f. ☐ completed Response to Petition for Injunction Prohibiting Harassment
- g. ☐ other (specify):

2. Person served (name):

3. By personally delivering copies to the person served, as follows:

- a. Date:
- b. Time:
- c. Address:

4. At the time of service I was at least 18 years of age and **not a party to this cause.**

- a. Name:
- b. Telephone:
- c. Address:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

NAME OF PARTY OR ATTORNEY (and state bar number if attorney): ADDRESS WHERE YOU WANT MAIL SENT: TELEPHONE NUMBER (Optional): FAX NUMBER (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
PROOF OF SERVICE BY MAIL (Harassment)	CASE NUMBER:

SERVICE BY MAIL

Instructions to Defendant: After having the plaintiff served by mail with any of the documents identified in item 1, have the person who mailed the documents complete this Proof of Service by Mail. Give the completed Proof of Service by Mail to the clerk for filing. You cannot serve these papers. An unsigned copy of the Proof of Service by Mail should be attached to and served with the document.

1. I served a copy of the following documents:

- a. ☐ completed *Response to Petition for Injunction Prohibiting Harassment*
- b. ☐ other (specify):

2. I deposited a true copy of each of the foregoing documents in the United States mail, in a sealed envelope with postage fully prepaid.

The envelope was addressed and mailed as follows:

- a. Name of person served:
- b. Address:

- c. Date of mailing:
- d. Place of mailing (city and state):

3. I am over the age of 18 and **not a party to this cause**. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (specify): Telephone (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): ADDRESS WHERE YOU WANT MAIL SENT: TELEPHONE NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
ORDER AFTER HEARING ON PETITION FOR INJUNCTION PROHIBITING HARASSMENT (CLETS)	CASE NUMBER:

1. THIS ORDER, EXCEPT FOR AWARD OF ATTORNEY FEES AND COSTS, SHALL EXPIRE AT MIDNIGHT ON
(date): IF NO DATE IS PRESENT, THIS ORDER EXPIRES THREE YEARS FROM THE DATE OF ISSUANCE.
2. This proceeding came on for hearing as follows:

Date:	Time:	Dept.:	Room:
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3. Judicial officer (*name*): ☐ Temporary judge
4. a. ☐ Plaintiff present ☐ Attorney present (*name*):
- b. ☐ Defendant present ☐ Attorney present (*name*):

THE COURT FINDS

5. a. The defendant is (*name*):

Sex: ☐ M ☐ F Ht.: ____ Wt.: ____ Hair color: ____ Eye color: ____ Race: _____ Age: ____ Date of birth: _____

- b. The protected person is (*name*):

Sex: ☐ M ☐ F Date of birth: _____

- c. Protected family or household members who reside with the protected person are:

- (1) **(Name):**

Sex: ☐ M ☐ F Date of birth: _____

- (2) **(Name):**

Sex: ☐ M ☐ F Date of birth: _____

- (3) **(Name):**

Sex: ☐ M ☐ F Date of birth: _____

☐ Continued on Attachment 5c.

6. After the hearing on the petition, **IT IS ORDERED THAT DEFENDANT**
- a. **shall not** contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements in public places or thoroughfares of the person seeking the order the other protected persons listed in item 5c.

PLAINTIFF (Name): _____ DEFENDANT (Name): _____	CASE NUMBER: _____
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6. b. ☐ shall stay at least (**specify**): _____ yards away from the following protected persons and places:
- | | |
|--|---|
| (1) <input type="checkbox"/> Person seeking the order | (5) <input type="checkbox"/> The children's school or place of child care |
| (2) <input type="checkbox"/> The other protected persons listed in item 5c | (6) <input type="checkbox"/> The protected persons' vehicles |
| (3) <input type="checkbox"/> Residence of person seeking the order | (7) <input type="checkbox"/> Other (specify): _____ |
| (4) <input type="checkbox"/> Place of work of person seeking the order | |

7. ☐ Other orders (**specify**): _____

8. MANDATORY FIREARM RELINQUISHMENT

The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within

- a. ☐ 24 hours after issuance of this order (if restrained person is present at hearing).
 b. ☐ 24 hours after service of this order (if restrained person is not present at hearing).
 c. ☐ other (**specify**): _____

The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.

9. By the close of business on the date of this order, a copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:

- a. ☐ plaintiff shall deliver.
 b. ☐ plaintiff's attorney shall deliver.
 c. ☐ the clerk of the court shall deliver.

Law enforcement agency

Address

Date: _____

JUDICIAL OFFICER'S SIGNATURE

This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment.

[SEAL]

CLERK'S CERTIFICATE

I certify that the foregoing *Order After Hearing on Petition for Injunction Prohibiting Harassment (CLETS)* is a true and correct copy of the original on file in the court.

Date: _____

Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): _____ TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT: EMPLOYEE:	
ORDER TO SHOW CAUSE (Workplace Violence) <input type="checkbox"/> and Temporary Restraining Order (CLETS)	CASE NUMBER:

THIS ORDER SHALL EXPIRE AT THE DATE AND THE TIME OF THE HEARING SHOWN IN THE BOX BELOW UNLESS EXTENDED BY THE COURT.

1. To Defendant (name):
2. YOU ARE ORDERED to appear in this court at the date, time, and place shown in the box below to give any legal reason why the order sought and the other relief requested in the petition should not be granted.

NOTICE OF HEARING

a. Date:	Time:	Dept.:	Room:
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- b. The address of the court where the hearing will be held ☐ is shown above ☐ is (specify):

3. IT IS FURTHER ORDERED that
 - a. Plaintiff shall serve this *Order to Show Cause*, the attached *Petition* (form WV-100), and any other supporting papers by (specify manner of service) no later than (date):
 - b. Any opposition papers shall be filed and served on plaintiff by (specify manner of service): no later than (date):
 - c. Any reply papers shall be filed and served by (specify manner of service): no later than (date):
 - d. Proof of service of plaintiff's papers shall be delivered to the court hearing the *Order to Show Cause* no later than (date):
4. You have the right to attend the hearing to oppose the petition, with or without an attorney. If you do not attend the hearing, the court may grant the requested orders without any further notice to you. The court may make these orders enforceable for a period not to exceed three years, after which they may be renewed, by filing a new *Petition for Injunction*. You should read the instructions on page two of this form. A complete instruction booklet (form WV-150) is available from the clerk's office located at the court shown above.

Date:

 JUDICIAL OFFICER
☐ SIGNATURE FOLLOWS LAST ATTACHMENT

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

INSTRUCTIONS FOR THE DEFENDANT

- A. If you are served with an *Order to Show Cause (Workplace Violence)* **[OSC]** (form WV-120) and a *Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* **[Petition]** (form WV-100), you should promptly seek legal advice. If you have no attorney, the attorney's reference service of your local bar association may be of assistance.
- B. Read the papers served on you very carefully. The **OSC** tells you when to appear in court and may contain a temporary restraining order forbidding you from doing certain things. **If you disobey the court's orders, criminal charges may be filed against you.**
- C. If you wish to oppose the **Petition**, or make your own request for court orders, you should file a *Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* **[Response]** (form WV-110).

In addition to the **Response**, you may file and serve declarations signed by persons who have personal knowledge of the facts. A declaration form (form MC-031) is available from the clerk's office of the court shown on page one of this form. If you do not know how to prepare a declaration, you should see an attorney. After you have filed the **Response** with the clerk of the court, a copy must be delivered personally or by mail to the plaintiff or the plaintiff's attorney.

You cannot serve the plaintiff yourself. The person who serves the plaintiff should complete and sign a *Proof of Service of Completed Response (Workplace Violence)* (form WV-131). You should take the completed form back to the court clerk or bring it with you to the hearing.

- D. If you wish to oppose the petition, in addition to filing a **Response** you should be present at the hearing. If you have any witnesses, they must also be present.
- E. A complete instruction booklet entitled *Instructions for Petitions to Prohibit Workplace Violence* (form WV-150) is available from the clerk's office at the court shown on page one of this form.

PLAINTIFF (Name): _____ DEFENDANT (Name): _____	CASE NUMBER: _____
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TEMPORARY RESTRAINING ORDER

THE COURT FINDS

5. a. The defendant is (name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____

b. The protected employee is (name):

c. Protected family or household members who reside with employee are:

(1) (Name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

(2) (Name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

(3) (Name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

☐ Continued on Attachment 5c.

UNTIL THE TIME OF HEARING, IT IS ORDERED

6. **Defendant** is prohibited from further violence or threats of violence against the protected persons
and SPECIFICALLY IT IS ORDERED THAT DEFENDANT

- a. ☐ shall not assault, batter, or stalk the employee and other protected persons
- b. ☐ shall not follow or stalk the employee and other protected persons to or from the place of work
- c. ☐ shall not follow the employee and other protected persons during hours of employment
- d. ☐ shall not telephone or send correspondence to the employee and other protected persons by **any** means including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail
- e. ☐ shall not enter the workplace of the employee and other protected persons
- f. ☐ other (specify): _____

7. ☐ Defendant is ordered to stay at least (specify): _____ yards away from the following persons and places (the addresses of the places are optional and may be kept confidential):

- a. ☐ Employee and other protected persons named in item 5.
- b. ☐ Residence of employee and other protected persons (address optional): _____
- c. ☐ Place of work of employee and other protected persons (address optional): _____
- d. ☐ School or place of child care of children of employee and other protected persons (address optional): _____
- e. ☐ The employee's and other protected persons' vehicles
- f. ☐ Other (specify): _____
 (address optional): _____

8. ☐ Contacts relating to pickup and delivery of children under a court order or a court-approved stipulation of the parties arrived at during mediation shall be permitted, unless a criminal domestic protective or restraining order prohibits such contacts.

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

9. ☐ OTHER ORDERS (specify):

10. **MANDATORY FIREARM RELINQUISHMENT**

The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within

- a. ☐ 24 hours after issuance of this order (if restrained person is present at hearing).
- b. ☐ 24 hours after service of this order (if restrained person is not present at hearing).
- c. ☐ other (specify):

The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.

11. ☐ Application for an order shortening time is granted and the following documents shall be personally served on the defendant no less than (specify number): days before the time set for hearing:
- a. Order to Show Cause and Temporary Restraining Order (CLETS) (Workplace Violence) (form WV-120)
 - b. Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence) (WV-100)
 - c. blank Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence) (WV-110)
 - d. blank Proof of Service of Completed Response (form WV-131)
 - e. other (specify):

12. By the close of business on the date of this order, a copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:

- a. ☐ Plaintiff shall deliver.
- b. ☐ Plaintiff's attorney shall deliver.

Law enforcement agency

Address

Date:

☐ JUDICIAL OFFICER
SIGNATURE FOLLOWS LAST ATTACHMENT

This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <hr style="width: 100%;"/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT: EMPLOYEE:	
ORDER AFTER HEARING ON PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE (CLETS)	
CASE NUMBER:	

1. THIS ORDER SHALL EXPIRE AT MIDNIGHT ON (date):
 IF NO DATE IS PRESENT, THIS ORDER EXPIRES THREE YEARS FROM THE DATE OF ISSUANCE.

2. This proceeding came on for hearing as follows:

Date: _____	Time: _____	Dept.: _____	Room: _____
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3. Judge (name): _____ ☐ Temporary judge
4. a. ☐ Plaintiff present ☐ Attorney present (name): _____
- b. ☐ Defendant present ☐ Attorney present (name): _____

THE COURT FINDS

5. a. The defendant is (name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: ____ Wt.: ____ Hair color: ____ Eye color: ____ Race: _____ Age: ____ Date of birth: _____
--

- b. The protected employee is (name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

- c. Protected family or household members who reside with employee are:

- (1) (Name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

- (2) (Name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

- (3) (Name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

☐ Continued on Attachment 5c.

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

THE COURT ORDERS

6. Defendant is prohibited from further violence or threats of violence against employee (name): and SPECIFICALLY DEFENDANT

- a. ☐ shall not assault, batter, or stalk the employee and other protected persons
- b. ☐ shall not follow or stalk the employee and other protected persons to or from the place of work
- c. ☐ shall not follow the employee and other protected persons during hours of employment
- d. ☐ shall not telephone or send correspondence to the employee and other protected persons by **any** means including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail
- e. ☐ shall not enter the workplace of the employee and other protected persons
- f. ☐ other (specify):

7. a. ☐ Defendant is ordered to stay at least (specify): _____ yards away from the following persons and places (the addresses of the places are optional and may be kept confidential):

- (1) ☐ Employee and other protected persons named in item 5.
- (2) ☐ Employee's residence (address optional):
- (3) ☐ Employee's place of work (address optional):
- (4) ☐ Employee's children's school or place of child care (address optional):

- (5) ☐ Employee's and other protected persons' vehicles
- (6) ☐ Other (specify):
(address optional):

- b. ☐ Contacts relating to pickup and delivery of children under a court order or a court-approved stipulation of the parties arrived at during mediation shall be permitted, unless a criminal domestic protective or restraining order prohibits such contacts.

8. ☐ OTHER ORDERS (specify):

9. MANDATORY FIREARM RELINQUISHMENT

The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within

- a. ☐ 24 hours after issuance of this order (if restrained person is present at hearing).
- b. ☐ 24 hours after service of this order (if restrained person is not present at hearing).
- c. ☐ other (specify):

The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

10. By the close of business on the date of this order, a copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:

- a. ☐ Plaintiff shall deliver.
b. ☐ Plaintiff's attorney shall deliver.

Law enforcement agency

Address

This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment.

Date:

JUDICIAL OFFICER

Comments for SPR02-15
Civil Harassment and Workplace Violence Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	George Ducich Forms and Rules Coordinator Superior Court of California, County of San Diego	AM	N	The court agrees if the following question can be answered: “Why are the times for relinquishing a firearm different in family domestic violence cases and civil harassment cases? The time difference is 24 vs. 48 hours.”	The times are different because the Family Code prescribes the times for relinquishment of firearms in domestic violence proceedings (See Fam. Code, § 6389(c)), but no similar provision exists for civil harassment or workplace violence proceedings.
2.	Neal S. Dudovitz Executive Director Los Angeles County Neighborhood Legal Services Pacoima, California	AM	N	<p>As advocates who are actively working to increase access to justice for our low-income client community through the development of self-help models, we strongly support the Judicial Council’s goal of making the council forms more accessible to self-represented litigants.</p> <p>Comment on Specific Forms</p> <p>I. SPR02-15—Civil Harassment and Workplace Violence Forms</p> <p>A. We have reviewed the following forms: CH-120, CH-130, CH-131, CH-140, WV-120, and WV-140.</p> <p>B. The revised forms are clear, easy to read and understand. After our careful review, we offer the following comments:</p> <p>1. <u>Form CH-120</u>: Item 5, the personal conduct order, does not prohibit electronic mail communication. Although the order states “no contact,” it should be made clear that this includes no contact through</p>	The order states that the restrained person “shall not send any messages,” which is very broad.

Comments for SPR02-15
Civil Harassment and Workplace Violence Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>electronic mail.</p> <p>We especially are pleased to see the language in item 7 that requires the surrender of a firearm within 24 hours after service of the order.</p>	
3.	Sue DuFour Supervising Legal Clerk II Superior Court of California, County of Stanislaus	A	N	Agree with proposed changes.	No response required.
4.	Barbara Fennell Superior Court of California, County of Monterey	A	N	<p><u>Form CH-131:</u> On <i>Proof of Service by Mail</i> for defendant, please add a box for “declarations of witnesses.”</p> <p>It would be helpful to have all proofs of service state on every such form “Petitioner and/or Respondent (Plaintiff and/or Defendant) cannot serve each other. Another adult, who is not involved in the case, must do so.” Can forms be standardized? Notices, like this one, say “Plaintiff shall serve.” It’s misleading.</p>	<p>This does not seem necessary because there is a provision for “other (<i>specify</i>):” on the proof of service.</p> <p>The revised proofs of service (forms CH-130 and CH-131) are quite clear in that parties <i>cannot</i> serve the papers. They do not state “plaintiff shall serve.”</p>
5.	Valerie Fercho-Tillery Manager Domestic Violence Restraining Order System Department of Justice Sacramento, California	AM	N	<p><u>Form CH-120:</u></p> <p>Item 7b—All other restraining order forms allow 48 hours after service, not 24.</p> <p>Item 8—Is it necessary to list the agencies that the</p>	<p>The reason for the difference is that, whereas Family Code section 6389(c) prescribes 48 hours after service for domestic violence petitions, no such provision applies to petitions to prevent civil harassment or workplace violence.</p> <p>The list of agencies assists in the</p>

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

Comments for SPR02-15
Civil Harassment and Workplace Violence Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>restraining order must be delivered to? There is nothing in the statutes that say specific agencies have to receive or enter into the Domestic Violence Restraining Order System (DVROS) via CLETS. Just a statement that the restraining order shall be given to any law enforcement agency within California should be sufficient.</p> <p>Notice Regarding Firearms—Please add Penal Code section 12021(g) to the warning.</p> <p><u>Forms CH-130 and CH-131:</u></p> <p>Item 1—Enter the form numbers after the name of the form. Example: Order to Show Cause and Temporary Restraining Order (CLETS) (Harassment) CH-120.</p> <p>In anticipation of the passage of Senate Bill 1627, can there be a notice on the front or back of the proof of service form to law enforcement and the court that reads, for example, NOTICE TO LAW ENFORCEMENT: If you serve this order, enter the service information into the Domestic Violence Restraining Order System and transmit the original proof of service form to the issuing court within one business day.</p> <p>NOTICE TO THE COURT: If the order was served by a person other than a law enforcement officer,</p>	<p>implementation of the order.</p> <p>The notice tracks the statutory language. The committee did not regard a citation to the code section as necessary.</p> <p>This is not necessary.</p> <p>This suggestion is premature. If the legislation passes, the form may be updated.</p>

Comments for SPR02-15
Civil Harassment and Workplace Violence Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>submit a copy of the proof of service directly into the Department of Justice Domestic Violence Restraining Order System, including the name of the person who served the order. If your court is unable to provide this notification to the Department of Justice by electronic transmission, transmit a copy of the proof of service to a local law enforcement agency within one business day. The local law enforcement agency will enter the proof of service into the Domestic Violence Restraining Order System.</p> <p><u>Form CH-140:</u></p> <p>On domestic violence restraining orders, criminal protective orders, and elder and dependent adult abuse forms, there is a statement after the expiration date that says, “If no date is present, this order expires three years from the date of issuance.” Can this statement be added to CH-140?</p> <p>Item 8b—All other restraining order forms allow 48 hours after service, not 24.</p> <p>Item 9—Is it necessary to list the agencies that the restraining order must be delivered to? There is nothing in the statutes that say specific agencies have</p>	<p>The committee agreed that the statement should be added to forms CH-140 and WV-140.</p> <p>The reason for the difference is that, whereas Family Code section 6389(c) prescribes 48 hours after service for domestic violence petitions, no such provision applies to petitions to prevent civil harassment or workplace violence.</p> <p>The list is helpful in implementing the order.</p>

Comments for SPR02-15
Civil Harassment and Workplace Violence Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>to receive or enter into the Domestic Violence Restraining Order System (DVROS) via CLETS. Just a statement that the restraining order shall be given to any law enforcement agency within California should be sufficient.</p> <p>Notice Regarding Firearms—Please add the Penal Code section 12021(g) to the warning.</p> <p><u>Form WV-120:</u></p> <p>Item 7a—Instead of saying,” Employee and other protected persons (names)” state, “Employee and other protected persons named in item 5c.”</p> <p>Item 8—This statement is a little confusing. How about “. . . arrived at during mediation shall be permitted, unless a PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS) (form CR-160) prohibits such contacts.”</p> <p><u>Form WV-120:</u></p> <p>Item 10b—All other restraining order forms allow 48 hours after service, not 24.</p>	<p>The notice tracks the statutory language. A citation to the code section is not necessary.</p> <p>The committee agreed, but used “item 5” rather than “5c” to cover both the employee and the protected persons.</p> <p>The committee believed that the current language is clearer and more accurate.</p> <p>The reason for the difference is that, whereas Family Code section 6389(c) prescribes 48 hours after service for domestic violence petitions, no such provision applies to petitions to prevent civil harassment or workplace violence.</p>

Comments for SPR02-15
Civil Harassment and Workplace Violence Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>Item 12—Is it necessary to list the agencies that the restraining order must be delivered to? There is nothing in the statutes that say specific agencies have to receive or enter into the Domestic Violence Restraining Order System (DVROS) via CLETS. Just a statement that the restraining order shall be given to any law enforcement agency within California should be sufficient.</p> <p>Notice Regarding Firearms—Please add the Penal Code section 12021(g) to the warning.</p> <p><u>Form WV-140:</u></p> <p>On domestic violence restraining orders, criminal protective orders, and elder and dependent adult abuse forms there is a statement after the expiration date that says, “If no date is present, this order expires three years from the date of issuance.” Can this statement be added to WV-140?</p> <p>Item 7(a)(1)—Add Employee and other protected persons.</p> <p>Item 7(b)—This statement is a little confusing. How about “. . . arrived at during mediation shall be permitted, unless a Protective Order in Criminal Proceeding (CLETS) (form CR-160) prohibits such contacts.”</p>	<p>The list is helpful in implementing the order.</p> <p>The notice tracks the statutory language. A citation to the code section is not necessary.</p> <p>The statement was added.</p> <p>The provision has been added.</p> <p>The committee believed the current language is clearer and more accurate.</p>

Comments for SPR02-15
Civil Harassment and Workplace Violence Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>Item 9—All other restraining order forms allow 48 hours after service, not 24.</p> <p><u>Form WV-140:</u></p> <p>Item 19—Is it necessary to list the agencies that the restraining order must be delivered to? There is nothing in the statutes that say specific agencies have to receive or enter into the Domestic Violence Restraining Order System (DVROS) via CLETS. Just a statement that the restraining order shall be given to any law enforcement agency within California should be sufficient.</p> <p>Notice Regarding Firearms—Please add Penal Code section 12021(g) to the warning.</p>	<p>The reason for the difference is that, whereas Family Code section 6389(c) prescribes 48 hours after service for domestic violence petitions, no such provision applies to petitions to prevent civil harassment or workplace violence.</p> <p>The list of agencies assists in the implementation of the order.</p> <p>The notice tracks the statutory language. A citation to the code section is not necessary.</p>
6.	Stephanie Harbin Supervising Legal Clerk II Superior Court of California, County of Stanislaus	A	N	Agree with proposed changes.	No response required.
7.	Hon. Scott P. Harman Referee	AM	N	<p><u>Form CH-120:</u></p> <p>Item 5a provides that the defendant shall not do</p>	The item has been modified to identify the parties.

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

Comments for SPR02-15
Civil Harassment and Workplace Violence Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Superior Court of California, County of Sacramento			certain things. It does not indicate to whom he or she is not to do them. For instance, it says the defendant shall not contact. The item should be concluded with two options, one box for “plaintiff” and a second option for “the other protected persons listed in item 4b above.”	
8.	Sandra Mason Director of Civil Operations Superior Court of California, County of San Luis Obispo	AM	N	<u>Form CH-120:</u> Item 5(b)(6)—Although I see the validity of this with the present wording, a defendant might find himself or herself on the same road as the protected persons’ vehicle and be in violation without intending to do so. I also cannot come up with a better phrase.	No change is necessary.
9.	Lenor R. Noll Deputy Executive Officer Superior Court of California, County of Monterey	A	N	Agree with proposed changes.	No response required.
10.	Cynthia Papsdorf Associate Attorney Kelley Drye & Warren LLP	A	N	Agree with proposed changes.	No response required.
11.	Paige Patterson Legal Research Assistant Superior Court of California, County of San Francisco	AM	N	<u>Form CH-120:</u> I would suggest the following changes: If a box for vehicle is added under item 5b, the word “specify” should be included. This should prevent defendants from inadvertently violating the order when the vehicle in question is parked on the street.	The committee disagreed because requiring specification of the vehicle might make it more difficult for self-represented persons to complete the form.

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

Comments for SPR02-15
Civil Harassment and Workplace Violence Forms

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				The language in item 9 is confusing to serving persons, including the sheriff's department. It was unclear to me if the language was the final proposed language. If so, I would suggest cutting the language from 9b, which reads, "within five days from the date the TRO is issued." The statute only says that the papers must be served at least five days before the hearing. In practicality, most people need as much time to serve the defendant as possible. Therefore, item 9a should remain the same (courts can write five days in the blank), and item 9b should read, "The following documents shall be personally served on the defendant."	The language of item 9 has been modified to be clearer and accurately reflect the statute.
12.	Rene L. B. Rodrigues Supervisory Fingerprint Technician II San Francisco Police Department	AM	N	Since the sex of the protected person is a required field when entering this information into CJIS, it would help if all the forms showed the sex of all the protected persons.	Forms WV-120 and WV-140 do show the sex of the protected persons. Forms CH-120 and CH-140 have been modified to contain the same information.
13.	Hon. Harry R. Sheppard Presiding Judge Superior Court of California, County of Alameda	A	N	Agree with proposed changes.	No response required.

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.